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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rudolf Ritter

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/857,124	RITTER, RUDOLF	
	Examiner	Art Unit	
	Julio R. Perez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

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|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 15-18, 20-25, 27-32, 38-39, 40-47, 49, 50-51, 56-57, 59, 64-70 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-18, 20-25, 27-32, 38-39, 41-47, 49, 51, 56-57, 59, 64-70, are rejected under 35 U.S.C. 102(e) as being anticipated by Noreen et al. U.S. Publication No. 20020183059 (hereinafter Noreen).

Regarding claims 15, 22, Noreen discloses a mobile device and a method for using the mobile device, comprising: a receiver configured to receive programs and program-accompanying digital data (Figures 13 and 14; page 9, [0065]), wherein the programs include at least one of audio data and video data, and the program-

accompanying digital data includes location parameters (0046-0048, 0065); a position locating module configured to determine a current geographic position of the mobile device (0045-0049); a filter module configured to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (0046-0065); and a communications module configured to transmit the location-specific information from the mobile device to a service center (0046-0048, 072-0073).

Claims 16, 23, Noreen discloses, wherein the position-locating module includes a satellite-based positioning system or a terrestrial positioning system (Figures 13 and 14; page 9, [0065]).

Regarding claims 17, 24, Noreen discloses the mobile device, comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile (0046-0048, 0065-0073).

Regarding claims 18, 25, Noreen discloses the mobile device, a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (Figures 13 and 14; page 9, [0065]).

Regarding claims 20, 27, Noreen discloses the mobile device, wherein the location-specific information includes an URL address (0046-0048, 0065-0073), and the communications module is further configured to activate a resource in the Internet based on the URL address (0046-0048, 0065-0073).

Regarding claims 21, 28, Noreen discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (0046-0048, 0065-0073).

Regarding claims 29, 31, Noreen discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (0046-0048, 0065-0073), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (0046-0048, 0065-0073).

Regarding claims 30, 32, Noreen discloses the mobile device, wherein the position-locating module is configured to obtain position indications from a mobile network (0046-0048, 0065-0073).

Regarding claims 38, 39, Noreen discloses the mobile, wherein the programs include radio programs (0046-0048, 0065-0073).

Regarding claims 41, 56, Noreen discloses the mobile device, wherein the communications module is configured to transmit the data from the mobile device in accordance with a short message protocol (0046-0048, 0065-0073).

Regarding claims 42, 45, Noreen discloses the mobile device, wherein the program data files include a Java applet (0046-0048, 0065-0073, Web pages are typically written in hyper-text mark-up language, which contain several forms of embedded interactive links, and are normally written with the aid of Java code).

Regarding claims 43, 57, Noreen discloses, a data storage medium into the mobile device, the data storage medium including user information, wherein filtering is further based on the user profile (0046-0048, 0065-0073).

Regarding claims 44, 47, 59, 65, 67, Noreen discloses, the transmitting includes transmitting a request for at least one of a product, a service, or additional information associated with at least one of the programs (0046-0048, 0065-0073).

Regarding claim 46, Noreen discloses, wherein the processor is further configured to: transmit data from the mobile device based on the comparison between the location parameters and the current geographic position (0046-0048, 0065-0073).

Regarding claims 49, 64, Noreen discloses, the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (0046-0048, 0065-0073).

Regarding claim 51, Noreen discloses the mobile device, a headphone jack configured to output an audio portion of the programs housing (0046-0048, 0065-0073).

Regarding claims 66, 68, Noreen discloses, further comprising: a processing module configured to, compare the location parameters of the program-accompanying digital data to the current geographic position, and selectively display the program-accompanying digital data based on a comparison between the location parameters and the current geographic position (0046-0048, 0065-0073).

Regarding claims 69-70, Noreen discloses, the location-specific information includes at least one of product and service identification available in a location (0046-0048, 0065-0073).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40, 48, 50, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen (6256498) in view of Lyons (6282412).

Regarding claims 40, 48, 50, Noreen does not explicitly disclose the mobile device, wherein the memory module includes a removable chip-card.

However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Noreen with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez
Examiner
Art Unit 2617


5/29/06


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER